

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

|  |   |                                  |
|--|---|----------------------------------|
| <b>FEMHEALTH USA, INC. d/b/a</b>       | ) |                                  |
| <b>CARAFEM,</b>                        | ) |                                  |
|  | ) |                                  |
| <b>Plaintiff,</b>                      | ) |                                  |
|  | ) | <b>NO. 3:22-cv-00565</b>         |
| <b>v.</b>                              | ) |                                  |
|  | ) | <b>JUDGE CAMPBELL</b>            |
| <b>RICKEY NELSON WILLIAMS, JR., et</b> | ) | <b>MAGISTRATE JUDGE FRENSLEY</b> |
| <b>al.,</b>                            | ) |                                  |
|  | ) |                                  |
| <b>Defendants</b>                      | ) |                                  |

**ORDER**

Pending before the Court is a Report and Recommendation from the Magistrate Judge (Doc. No. 195) recommending the Court: (1) grant Plaintiff's motion for summary judgment (Doc. No. 174) in its entirety; (2) grant Plaintiff's motion for an order deeming certain facts admitted (Doc. No. 174); and (3) deny Defendants' motion to dismiss (Doc. No. 192).

The Report and Recommendation advised the parties that any objections to the Magistrate Judge's recommendation were to be filed within fourteen days of service (Doc. No. 195 at 17-18). No objections have been filed.

The Court has reviewed the Report and Recommendation (Doc. No. 195) and concludes that the portions related to Plaintiff's motion for summary judgment and Plaintiff's motion for an order deeming certain facts admitted should be **ADOPTED** and **APPROVED** in their entirety. With regard to the recommended disposition of Defendants' motion to dismiss, the Court finds it more appropriate to deny the motion to dismiss for the reasons raised in footnote 1 of the Report and Recommendation – the motion is untimely. As noted by the Magistrate Judge, Defendants' motion to dismiss was filed well after the deadlines set forth by the Federal Rule and this Court. (See Doc. No. 195 at 15-16, n.1 (citing Fed. R. Civ. P. 12(b), Doc. No. 170)). Although failure to

adhere to deadlines may be excused for good cause, Defendants have not provided any explanation for the failure to adhere to deadlines, much less anything that could be considered good cause. Moreover, as noted by the Magistrate Judge, Defendants have repeatedly flouted deadlines and Court Orders in this litigation. (*Id.*). Accordingly, the Court finds the motion to dismiss should be denied as untimely.

For the reasons stated in the Report and Recommendation and this Order, Plaintiff's motion for summary judgment (Doc. No. 178) is **GRANTED** in its entirety; Plaintiff's motion for an order deeming certain allegations in the Amended Complaint admitted (Doc. No. 174) is **GRANTED**; and Defendants' Motion to Dismiss (Doc. No. 192) is **DENIED**.

It is so **ORDERED**.

  
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WILLIAM L. CAMPBELL, JR.  
CHIEF UNITED STATES DISTRICT JUDGE